

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

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planningdevelopment.nhcgov.com

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NEW HANOVER COUNTY
PLANNING & LAND USE

ZONING & SUBDIVISION VARIANCE APPLICATION

This application form must be completed as part of a request for a zoning and/or subdivision variance. The application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications for a variance are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.11 of the Unified Development Ordinance.



1. Applicant and Property Owner Information

Applicant/Agent Name Joseph L. Higgs Jr	Owner Name (if different from Applicant/Agent) DR. BABATUNDE A. OLATIDOYE
Company	Company/Owner Name 2
Address 4057 TAMARISK LN	Address 4111 CHAPRA DR
City, State, Zip WILMINGTON NC 28409	City, State, Zip WILMINGTON NC 28412
Phone 703 795 7372	Phone 910 264 4858
Email lhiggsareaoffice@gmail.com	Email bolatido@gmail.com

2. Subject Property Information

Address/Location WILMINGTON 4619 SERENITY PT. NC 28409	Parcel Identification Number(s) COMM 370168 LOT 2, MAP 3720314400 K
Total Parcel(s) Acreage .52	Existing Zoning and Use(s) VE (EL 14, 15 & 16) R-15

Applicant Tracking Information (This section completed by staff)

Case Number: ZBA-950	Date/Time Received: 8/14/20 12:00 NOON	Received by: Linda Hunter
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3. Proposed Variance Narrative

Subject Zoning Regulation, Chapter and Section

In the space below, please provide a narrative of the application (attach additional pages if necessary).

THIS SUBJECT PROPERTY IS SEEKING APPROVAL TO BE GRANTED A 60FOOT COD SETBACK IN LIEU OF THE THE CURRENT 75FOOT SETBACK DUE TO THE FOLLOWING CONDITIONS. THE PROPERTY LINE ON THE NORTHEND (WATER SIDE) VEERS IN DEEP INTO THE CENTER OF THE PROPERTY CAUSING THIS PROPERTY TO BE UNIQUE AND AN OUTLIER TO THE SERENITY POINT NEIGHBORHOOD. UPON CLOSE REVIEW WITH THE 75' WATER SET BACK AND 30' PUBLIC UTILITY AND DRAINAGE EASEMENT THIS PROPERTY IS VERY NARROW IN THE CENTER AND SEVERELY IMPACTED BY AVAILABLE BUILDABLE AREA. REDUCING 105' OF FRONT TO BACK PUSHES THE FRONT LEFT CORNER OF THE HOUSE TO 9' FROM THE MAIN RD, SERENITY PT. THE LEFT BUILDABLE AREA DISALLCS A DESIGN PROPORTION TO THE NEIGHBORHOOD AS WELL AS CAUSING HARDSHIP AND DISALLOWING CONFORMITY WITH NEIGHBORING HOMES AND POTENTIAL UNIFORMITY. THE ASK IS TO BE GRANTED 15' COD/UTMA SETBACK OR TOTAL OF 60' SETBACK. * SEE PHOTO #4

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Board of Adjustment may grant a variance if it finds that strict application of the ordinance results in an unnecessary hardship for the applicant, and if the variance is consistent with the spirit, purpose, and intent of the ordinance. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (attach additional pages if necessary).

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1. Unnecessary hardship would result from strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

THE CURRENT 75' SETBACK (COD) AND THE 30' PUBLIC UTILITY AND DRAINAGE EASEMENT USE 105' OF THE CENTER OF THE LOT/BUILDABLE AREA IN THE CENTER 47' DEEP.

THIS IS ONLY POSSIBLE IF THE HOUSE SITS "OUT OF CONFORMITY" AND ONLY 9'-14' FROM THE MAIN ASPHALT ROAD, SERENITY PT. IT LEAVE NO ROOM FOR PARKING IN FRONT OF THE "PROPOSED HOUSE" AND NO DRIVEWAY. THUS THE ASK FOR THIS VARIANCE TO BE GRANTED FOR A 60' COD APPROVAL TO ENSURE THE ESSENTIAL CHARACTERIS OF THE NEIGHBORHOOD ARE NOT IMPAIRED AND ARE CONSISTANT WITH THE VALUE AND DESIGN OF THE CURRENT HOMES

* SEE PHOTO # 5 & 6

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

THE NORMAL HIGH WATER EDGE (NHWE) VEERS INTO THE CENTER OF THIS PROPERTY REDUCING BUILDABLE AREA SIGNIFICANTLY.

TAKE 30' FROM THE FRONT PROPERTY LINE, INSTALL A SMALL 20' DRIVEWAY TO THE HOME FOR PARKING, ETC, AND ~~IT~~ IT LEAVES THE CENTER BUILDABLE AREA OF 36', INCLUDING DECKS, PORCHES, PATIOS AND HOME DESIGN.

IF GRANTED A REDUCTION FROM 75' SETBACK TO 60' SETBACK

THIS WOULD ALLOW A DESIGN PROPORTION TO THE NEIGHBORHOOD AND SAFE SETBACK

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. SEE PHOTO #1

THE CURRENT 75' SETBACK AND 30' FRONT EASEMENT USE 105' OF THIS LOT LEAVING DESIGN OF A HOME NON PROPORTIONAL AND NO AREA FOR OUTSIDE ENTERTAINMENT AREAS. THIS HOME WOULD HAVE TO SIT ALMOST ON TOP OF SERENITY PT ROAD, (9'-14' FROM ROAD).

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

UPON GRANTING THE REQUESTED VARIANCE THIS WOULD ENABLE A HOME TO BE DESIGNED THAT WOULD BE IN CONCORDANCE WITH SERENITY PT NEIGHBORHOOD AND POSES NO PUBLIC SAFETY.

SUBSTANTIAL JUSTICE WOULD BE ACHIEVED IF THIS VARIANCE IS GRANTED

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X SEE PHOTO'S #2 & 3

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Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Applications determined to be incomplete must be corrected in order to be processed for further review.

Application Checklist

- ☒ This application form, completed and signed
- ☒ Application fee: \$400 per application
- ☒ Site plan or sketch illustrating the requested variance
- ☒ One (1) hard copy of ALL documents
- ☒ One (1) PDF copy of ALL documents

Applicant Initial

Staff Initial

<u>JSH</u>	<u>JS</u>
<u>JSH</u>	<u>JS</u>
<u>JSH</u>	<u>JS</u>
<u>JSH</u>	<u>JS</u>

Acknowledgement and Signatures

By my signature below, I understand and accept all of the conditions, limitations, and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the required findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

[Signature]
Signature of Property Owner(s)

BABATUNDE A. OLATIDOTE
Print Name(s)

Joseph L. Higgs Jr.
Signature of Applicant/Agent

Joseph L. Higgs Jr.
Print Name
8.13.2020

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

- The land owner or their attorney must be present for the case at the public hearing

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CORNER FALLS
ON CATCH BASIN

N/F
OLATIDOYE
DB 6054 PG 2091

PROPOSED - 60' SETBACK

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PRE-CONSTRUCTION
PLANS
7.21.2020

Higgs Residence
Construction Site Construction Company, Inc.
Washington, NC 28409

DRAWN BY: [blank]
DATE: 7/21/20
SCALE: [blank]
SHEET: [blank]

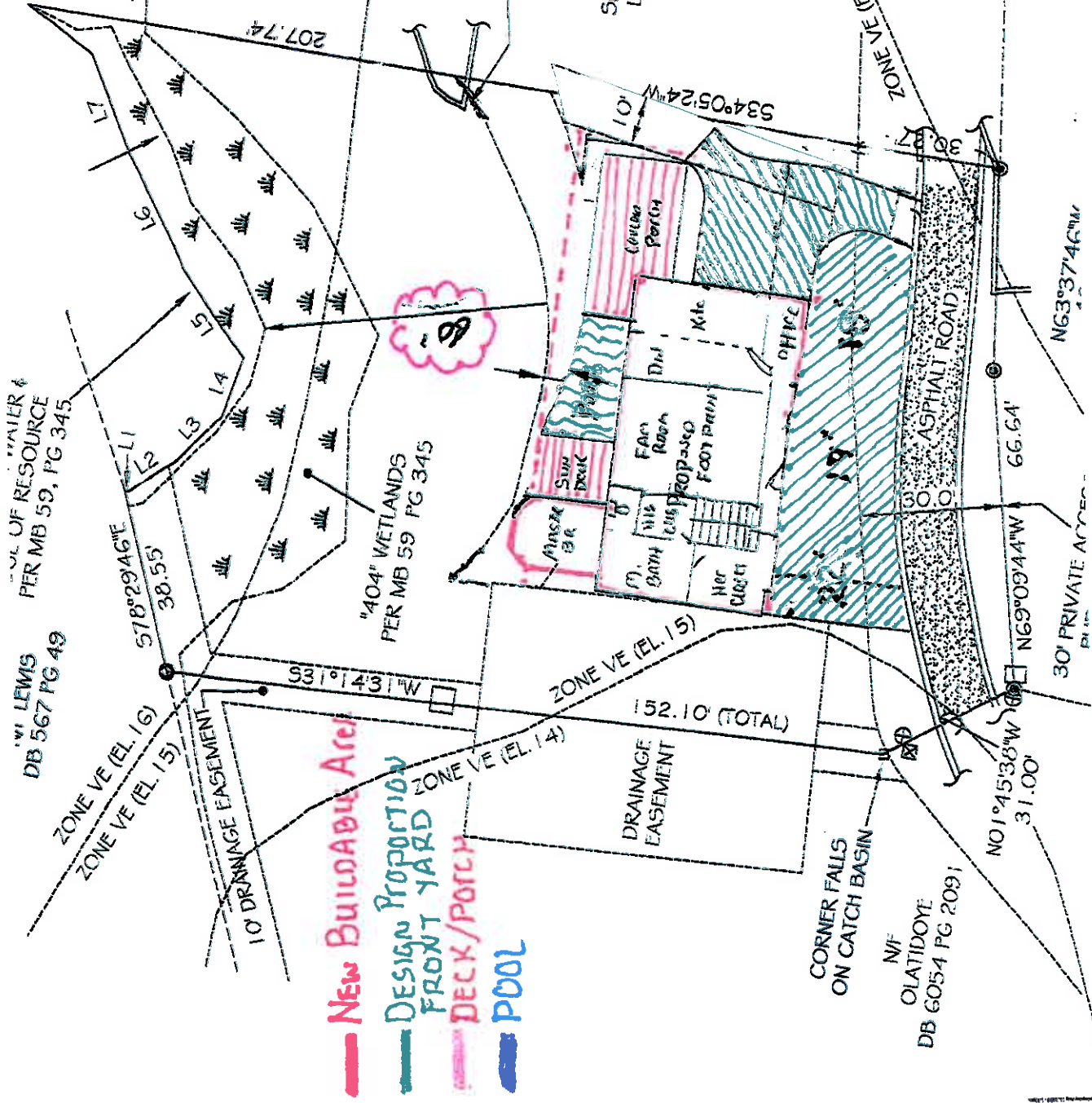
LINE	LENGTH	BEARING
L1	0.97	S12°20'48"W
L2	11.74	S06°10'05"E
L3	13.29	S20°12'53"E
L4	13.31	S46°17'43"E
L5	21.55	N79°41'02"E
L6	27.16	N89°36'30"E
L7	21.96	S86°27'49"E
L8	17.05	N62°14'29"E

NEIGHBOR'S BLOCK
RETAINING WALL
OVER 6.4' AT MAX.

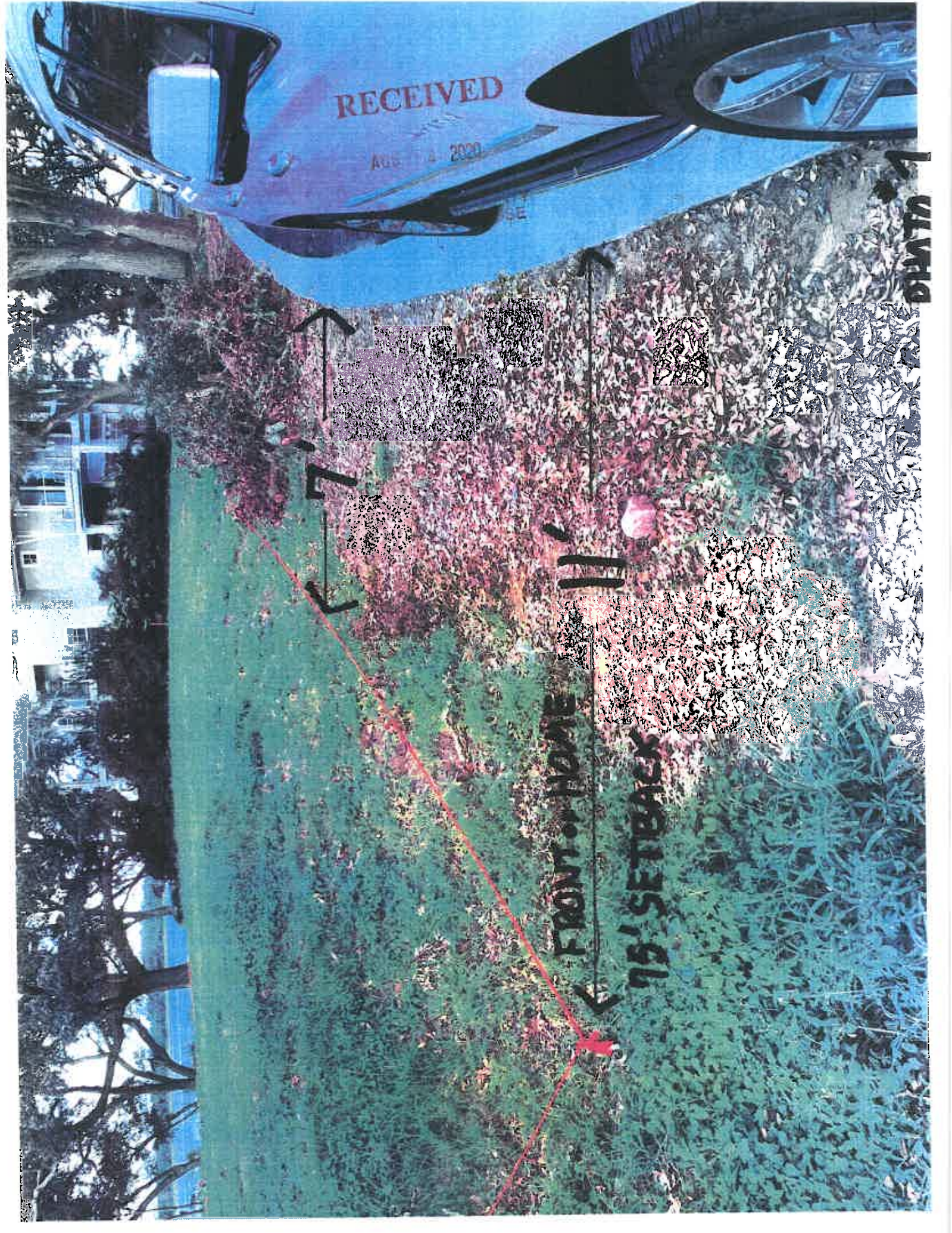
N/F
SHAMP FAMILY TRUST
DB 5853 PG 1177

IF GRANTED

- COMMUNITY PROPORTION FRONT YARD/SETBACK
- ALLOWS HOME ANGLE TOWARDS WATER
- ENABLES DESIGN IN CONCORDANCE WITH NEIGHBORHOOD COMMON AREA
- SAFER COMMUNITY FRONTAGE



- New Buildable Area
- Design Proportion Front Yard
- Deck/Porch
- Pool



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FRONT OF HOME

75' SETBACK

71'

11'



LOT #1

32'

PHOTO #2

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PHOTO #3

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NEW HANOVER CO
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24'

LOT #



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LEFT FRONT
CORNER PIN
w/ 76' SETBACK

PROPOSED FRONT
w/ 60' SETBACK

Photo # 4

*AERIAL

PHOTO #5

75' SETBACK

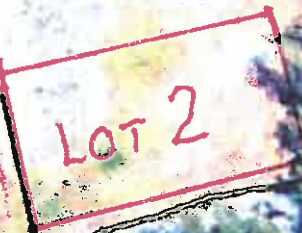
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LAND USE



LOT 1



LOT 2



LOT 3

Seren

Google

AERIAL

PHOTO #6
60' SETBACK

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OFFICE OF THE
COUNTY CLERK

LOT 2

Seren

Google

